

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments claims 24, 26-27, 30-33 and 35-38 will be pending and claims 1, 2, 4-7, 9, 10, 14-18, 25, 28, 29, and 34 will stand withdrawn. New dependent claims 35-38 have been added. The amendments to claims are fully supported throughout the specification, for example at page 4, lines 1-23. Accordingly, no new matter has been presented.

The specification has been amended to correct an obvious typographical error in the name of a compound in Example 2. The amendment is fully supported by the experimental details, e.g., the accompanying NMR data presented on page 15, lines 30-31 and the details of the Example 2 synthesis.

Claims 24, 26, 27 and 30-33 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because claim 24 refers to the variable Q, which Examiner asserts is not in the genus. Claim 24 has been amended to clarify that the group -COQ is a form of C₁-C₂₀ alkanoyl. The amendment is fully supported in the specification, for example, at page 11, lines 20-29.

Claims 24, 26, 27 and 30-33 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 and 11-13 of U.S. 6,626,197. The Applicants will submit an appropriate Terminal Disclaimer upon an indication of allowable subject matter.


Claims 24, 26, 27 and 30-33 stand rejected under 35 U.S.C. §102(b) as anticipated by Sullivan *et al.*, *J. Org. Chem.*, Vol. 28, No. 9, pages 2381-2385 (1963). The Applicants submit that the presently pending claim 24 is free of the cited art. For example, the ring structures of the Sullivan reference do not include the same constituents as currently claimed. Accordingly, the Applicants respectfully request the withdrawal of this rejection. Furthermore, Applicants submit that withdrawn claims 25, 28 and 29 are fully embraced by and depend from claim 24, and therefore, Applicants respectfully request that the Examiner rejoin these claims and indicate their allowance.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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Date: October 21, 2005